

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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STEPHEN HALL,

Plaintiff,

v.

Case No. 20-cv-1632-pp

LIEUTENANT STEFONEK, *et al.*,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION FOR HEARING (DKT. NO. 21)**

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Plaintiff Stephen Hall, who is confined at the Waupun Correctional Institution, filed this civil rights case under 42 U.S.C. §1983 alleging violations of his constitutional rights when he was a pretrial detainee at the Waukesha County Jail. Dkt. No. 1. The court screened the complaint and allowed the plaintiff to proceed on claims that the defendants provided him with deficient medical care, that defendants Kurszewski, Pietruszka and Simmons used excessive force against him, and that defendant Stefonek failed to intervene in the excessive force. Dkt. No. 19 at 6-7. The plaintiff since has filed a motion for a hearing. Dkt. No. 21.

The motion asks the court to schedule a hearing to discuss the appointment of the Department of Justice to conduct a criminal investigation into the allegations in the plaintiff's civil complaint. Id. at 1-2. He believes that he was the victim of a crime (being attacked by corrections officers) and asks the court to order the Department of Justice to conduct a criminal investigation to determine whether the defendants' actions were criminal in


nature. Id. at 1-2. He asserts that he believes the defendants violated Wis. Stat. §940.29. Id. at 2.

The executive branch (of which the Department of Justice is a part), not the judicial branch, investigates crimes. The executive branch has the “exclusive authority and absolute discretion to decide whether to prosecute cases.” United States v. Nixon, 418 U.S. 683, 693 (1974). If the plaintiff believes he was a victim of a state crime, he may contact the local district attorney’s office or a law enforcement agency such as a police department.

The court **DENIES** the plaintiff’s motion for hearing. Dkt. No. 21.

Dated in Milwaukee, Wisconsin this 20th day of May, 2022.

**BY THE COURT:**

  
**HON. PAMELA PEPPER**  
**Chief United States District Judge**